

U.S. Department of Homeland Security
National Records Center
P.O. Box 648010
Lee's Summit, MO 64064-8010



**U.S. Citizenship
and Immigration
Services**

December 13, 2019

COW2018001096

Peter Schey
Center for Human Rights
256 S. Occidental Blvd.
Los Angeles, CA 90057

Dear Peter Schey:

This is in response to your Freedom of Information Act / Privacy Act (FOIA/PA) request received in this office on September 12, 2018, requesting 20 different categories of records pertaining to the processing of N-400 (naturalization) applications by U.S. Citizenship and Immigration Services (USCIS).

Your FOIA request specifically requested the following records:

1. All documents that report to USCIS Headquarters and those generated by USCIS Headquarters on numbers of approvals and denials of N-400 naturalization applications including but not limited to data compilations that in any way provide the reasons for denials of N-400 naturalization applications.
2. All documents compiling data submitted by one or more of the agency's locations processing or adjudicating N-400 naturalization applications or produced by USCIS Headquarters related to the volume of or reasons for RFEs ("Requests For Evidence") and NOID ("Notices of Intent to Deny") notifications issued in N-400 cases.
3. All documents compiling data submitted by one or more of the agency's locations processing or adjudicating N-400 naturalization applications or produced by USCIS Headquarters related to the delay in processing N-400 applications.
4. All documents relating to funds allocated by Congress for the processing and/or adjudication of N-400 applications. (USCIS will have no such record, as Congress does not appropriate funds for processing or adjudication of N-400 applications).
5. All documents compiling data that show the fees received with naturalization applications, excluding documents relating to individual cases such as receipts, deposits, etc.
6. All documents regarding USCIS's allocation of funds to its various facilities and field offices for the processing or adjudication of N-400 applications.
7. All documents relating in whole or in part to decisions by USCIS officials regarding allocations of funds to the processing centers and field offices for the adjudication of N-400 applications.
8. All documents that address or concern delays or backlogs in the processing time for naturalization applications.

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9. To the extent not provided in response to Request Number 8, all data compilations and spreadsheets addressing in whole or in part delays or backlogs in the processing or adjudication of naturalization applications.
10. To the extent not provided in response to a separate request, all documents reporting on: (a) the volume of naturalization applications received; (b) where the applications were received; (c) where the applications were processed and adjudicated; and (d) how long it took to fully process and adjudicate the naturalization applications.
11. All documents relating to inquiries from or responses to members of Congress relating to the delays in processing N-400 applications.
12. All documents including but not limited to memoranda, guidance, instructions, or directives issued to facilities, centers, or field offices discussing policy or procedures to be followed in the processing or adjudication of N-400 applications.
13. All documents and data compilations sent to or prepared by the Administrative Appeals Office addressing the number of pending and decided appeals of denials of N-400 applications and the outcome of those appeals. This request does not seek copies of the individual appeals or decisions.
14. All documents sent to or prepared by USCIS regarding delays in naturalization applications due to problems implementing or using the Electronic Immigration System ("ELIS").
15. All documents and data relied upon in The Department of Homeland Security Ombudsman 2017 Annual Report To Congress regarding the USCIS (at https://www.dhs.gov/sites/default/files/publications/DHS%20Annual%20Report%202017_0.pdf). As this item of your request sought records created by another agency, the Department of Homeland Security Ombudsman, we referred item 15 to the Department of Homeland Security Ombudsman's Office, on July 1, 2019, for their direct response to you.
16. All documents and data relied upon in The Department of Homeland Security Office of Inspector General Report "USCIS Has Been Unsuccessful in Automating Naturalization Benefits delivery," dated November 30, 2017 (at <https://www.oig.dhs.gov/reports/2018/uscis-has-been-unsuccessful-automating-naturalization-benefits-delivery/oig-18-23>). As this item of your request sought records created by another agency, the Department of Homeland Security's Office of Inspector General, we referred item 16 to the Department of Homeland Security Office of Inspector General, on July 1, 2019, for their direct response to you.
17. All complaints filed by naturalization applicants or those acting on behalf of naturalization applicants regarding inappropriate, abusive, or discriminatory treatment of naturalization applicants by USCIS employees.
18. All documents related to a review, update, or revision of the USCIS Fee Review Study described here: <https://www.federalregister.gov/documents/2016/05/04/2016-10297/us-citizenship-and-immigration-services-fee-schedule>

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19. All documents relied upon, issued in response to, or to implement the change in the mission of USCIS announced on February 22, 2018 described here: <https://www.uscis.gov/news/news-releases/uscis-director-l-francis-cissna-new-agency-mission-statement>
20. All documents received by USCIS from the White House or forwarded by USCIS to the White House regarding in whole or in part the processing or adjudication of naturalization applications.

We conducted a search utilizing terms and criteria that you provided in the FOIA request subject to this litigation, and searched USCIS agency Program Offices, files and databases where we reasonably believed responsive records likely would be located. After compiling responsive records, we have completed the review of all documents and have identified 624 pages of records and 18 Excel spreadsheets that are responsive to your request. Of the 624 pages of records referenced above, we are releasing 450 pages in their entirety and 174 pages are being released in part. The 18 Excel spreadsheets contain limited redacted material, which are redacted pursuant to the below described FOIA exemptions.

After a thorough search of USCIS agency records, there were some items of your request for which we found no responsive records. The request items for which we have no responsive records are numbers 4, 6, 7, 13, 17, and 19. Regarding item numbers 4, 6, and 7, Congress does not appropriate funds to USCIS for processing N-400 applications. USCIS is a fee-for-service agency and with limited exceptions, receives no appropriated funding from Congress. No funds are appropriated by Congress to USCIS that are dedicated for N-400 processing, thus there are no records responsive to item 4 of the request. Likewise, after checking with the USCIS Office of the Chief Financial Officer (OCFO), which is responsible for managing the USCIS budget, we confirmed that USCIS does not allocate funding to its program offices by immigration application or petition form type – meaning there is no dedicated funding stream solely for N-400 processing, rather, as various USCIS program offices process a wide variety of immigration applications and petitions received from the public, funding is allocated broadly across the USCIS organizational structure, thus there are no records responsive to items 6 and 7 of your FOIA request. Regarding request item number 13, the USCIS Administrative Appeals Office (AAO), which is the subject of item 13, informed the USCIS FOIA Office that it does not have any appellate jurisdiction over N-400 applications. As a result, AAO is unable to produce or provide a report on USCIS administrative appeals that are administered by AAO that pertain to N-400 applications, as AAO does not handle N-400 appeals. USCIS FOIA did not locate any records responsive to item number 17 of your request. And USCIS FOIA located no records responsive to FOIA request item number 19. Moreover, contrary to the assertion in request number 19, USCIS has not changed its mission, which is to administer the nation's lawful immigration benefits system.

Further, as explained above, items 15 and 16 of your FOIA request were referred to the Department of Homeland Security's Ombudsman's Office or the Department of Homeland Security's Office of Inspector General, for a response direct to you, as those items of your request sought records created by those components of the Department of Homeland Security, not USCIS.

We have reviewed the responsive records and determined to release all information from those records except the portions that are appropriately exempt pursuant to 5 U.S.C. § 552 (b)(5), (b)(6) and (b)(7)(C) of FOIA, as described below. The records containing partially redacted material contain box "outlines" showing the location of the redacted material and each record that contains some redacted material also contains the specific FOIA exemption citation that supports withholding the material. However, no record is redacted in full. USCIS FOIA carefully reviewed the responsive records and segregated all non-exempt material and is releasing the non-exempt information to you. Any further segregation and release of the redacted material would entail releasing information that is appropriately exempt from FOIA production.

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FOIA Exemption (b)(5) provides protection for inter-agency or intra-agency memoranda or letters, which would not be available by law to a party other than an agency in litigation with the agency. The types of documents and/or information we have withheld under this exemption may consist of documents containing pre-decisional information, documents or other memoranda prepared in contemplation of litigation, or confidential communications between attorney and client.

FOIA Exemption (b)(6) permits the government to withhold all information about individuals in personnel, medical and similar files where the disclosure of such information would constitute a clearly unwarranted invasion of personal privacy. The types of documents and/or information that we have withheld may consist of birth certificates, naturalization certificates, drivers' licenses, social security numbers, home addresses, dates of birth, or various other documents and/or information belonging to a third party that are considered personal.

FOIA Exemption (b)(7)(C) provides protection for personal information in law enforcement records, which could reasonably be expected to constitute an unwarranted invasion of personal privacy. We have withheld information relating to third-party individuals. The types of documents and/or information we have withheld could consist of names, addresses, identification numbers, telephone numbers, fax numbers, or various other documents that are considered personal.

We are providing two compact discs of responsive records along with this letter. One disc contains the 18 Excel format spreadsheets; the other disc contains the 624 pages of material referenced above, saved in .pdf file format.

The disc containing the 18 Excel spreadsheets denotes the specific item(s) of your request which each spreadsheet is responsive to. The specific FOIA request item(s) that the spreadsheets are responsive to appear on the right side of each Excel spreadsheet file name, e.g. the spreadsheet entitled "October 2016 Fee Collections by Location 5" means that particular spreadsheet is responsive to item 5 of your FOIA request. Some spreadsheets are responsive to more than one item of your FOIA request.

The disc containing the 624 pages of records includes seven .pdf files. Most of the files are labeled with the USCIS FOIA request number for this case – COW2018001096. Each filename ends with a unique number, e.g. 8, 10, 12, 14, etc., which indicates the specific FOIA request item that the file is responsive to.

If you have any questions about our response, please contact Assistant United States Attorney Alarice Medrano, United States Attorney's Office, Central District of California.

Sincerely,



Jill A. Eggleston
Director, FOIA Operations